

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: LOT 2 AND A PORTION OF LOT 1, BLOCK 1, LAS FLORES SUBDIVISION UNIT 4, EL PASO, EL PASO COUNTY, TEXAS FROM P-C/SC (PLANNED COMMERCIAL DISTRICT/SPECIAL CONTRACT) TO C-2/SC (COMMERCIAL/SPECIAL CONTRACT); AND PARCEL 2: A PORTION OF LOT 1, BLOCK 1, LAS FLORES SUBDIVISION UNIT 4, EL PASO, EL PASO COUNTY, TEXAS FROM P-C/SC (PLANNED COMMERCIAL DISTRICT/SPECIAL CONTRACT) TO C-3/SC (COMMERCIAL/SPECIAL CONTRACT). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the zoning of Parcel 1: *Lot 2 and a portion of Lot 1, Block 1, Las Flores Subdivision Unit 4, El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed **from P-C/sc (Planned Commercial District/special contract) to C-2/sc (Commercial/special contract)**; and Parcel 2: *A portion of Lot 1, Block 1, Las Flores Subdivision Unit 4, El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibit "B", be changed **from P-C/sc (Planned Commercial District/special contract) to C-3/sc (Commercial/special contract)**; within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That Parcels 1 and 2 be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from P-C/sc (Planned Commercial District/special contract) to C-2/sc (Commercial/special contract) for Parcel 1, and from P-C/sc (Planned Commercial District/special contract) to C-3/sc (Commercial/special contract) for Parcel 2, in order to protect the health, safety and welfare of adjacent property owners and the residents of this city:

*That a Detailed Site Development Plan be reviewed and approved pursuant to the El Paso Municipal Code prior to the issuance of any building permits, and that the site development plan submitted with this rezoning application be accepted to meet this requirement.*

These conditions run with the land, are a charge and servitude thereon, and bind the current property owner and any successors in title. The City may enforce these conditions by injunction, by rescission of the zoning which is made appropriate as a result of these conditions, or by any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above conditions in its discretion without the consent of any third person who may be benefitted thereby, and without affecting the validity of this ordinance.

PASSED AND APPROVED this 15<sup>th</sup> day of June, 2004.

**THE CITY OF EL PASO**

\_\_\_\_\_  
Joe Wardy, Mayor

**ATTEST:**

\_\_\_\_\_  
Richarda Duffy Momsen, City Clerk

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Fred Lopez, Zoning Coordinator  
Planning, Research & Development

\_\_\_\_\_  
Rodolfo Valdez, Chief Urban Planner  
Planning, Research & Development

**Acknowledgment**

THE STATE OF TEXAS     )  
  )  
COUNTY OF EL PASO     )

This instrument is acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2004,  
by JOE WARDY as MAYOR of THE CITY OF EL PASO.

My Commission Expires:

\_\_\_\_\_  
Notary Public, State of Texas  
Notary's Printed or Typed Name:  
\_\_\_\_\_

# Exhibit "A"

Prepared For: Mr. Bruce Duncan  
Being a Portion of Lot 1 and All of Lot 2, Block 1  
Las Flores Subdivision Unit 4  
Save and Except Parcel 2, Wendy's Hamburgers Restaurant  
City of El Paso, El Paso County, Texas  
WO: 072903-12A  
Date: March 9, 2004

## PROPERTY DESCRIPTION

Description of a 14.7352 acre parcel of land being all of Lot 2 and a Portion of Lot 1, Save and Except that portion of Wendy's Parcel more particularly describe by Metes and Bounds attached hereto, Block 1, Las Flores Subdivision, Unit 4, City of El Paso, El Paso County, Texas, being more particularly described by metes and bounds as follows:

Beginning at a Texas Department of Transportation brass cap monument located at the Easterly Right of Way line of North Loop Drive, said point also being the Southwesterly corner of Lot 1, Block 2, Las Palmeras Addition common to the Northwest corner of Lot 2, Block 1, Las Flores Subdivision Unit 4, and the "True Point of Beginning";

Thence North 54° 31' 00" East a distance of 748.99 feet to a 5/8" diameter rebar with plastic cap stamped Roe Engineering L.C., Tx. 2449, said point being on the Westerly Property line of Mesa Drain;

Thence, along said Westerly Property line, South 34° 10' 00" East a distance of 470.57 feet to a 5/8" diameter rebar with plastic cap stamped KECO A;

Thence, continuing along said Westerly Property line, South 38° 57' 00" East a distance of 402.07 feet to a 5/8" diameter rebar with plastic cap stamped KECO A, said point being on the Westerly Property line of Mesa Drain and Juan De Herrera Lateral;

Thence, leaving said Westerly Property line and continuing on the Westerly Juan De Herrera Lateral Property line, South 02° 25' 00" West a distance of 262.62 feet to a 5/8" diameter rebar with plastic cap stamped Roe Engineering L.C., Tx. 2449, said point being on the Southwesterly Right-Of-Way line of Zaragoza Road;

Thence, along said Southwesterly Right-Of-Way line, South 40° 18' 00" West a distance of 110.10 feet to a 5/8" diameter rebar with plastic cap stamped Roe Engineering L.C., Tx. 2449, said point being on the Northerly Property line of the Juan De Herrera Lateral;

Thence, along said Northerly Property line, North 48° 03' 00" West a distance of 291.80 feet to a 5/8" diameter rebar with plastic cap stamped Roe Engineering L.C., Tx. 2449;

Thence, continuing along said Northerly Property line, South 16° 23' 00" West a distance of 10.10 feet to a 5/8" diameter rebar with plastic cap stamped Roe Engineering L.C., Tx. 2449;

Thence, continuing along said Northerly Property line, North 84° 03' 00" West a distance of 81.39 feet to a 5/8" diameter rebar with plastic cap stamped Roe Engineering L.C., Tx. 2449 and a point for corner;

# Exhibit "B"

Prepared For: Mr. Bruce Duncan  
Being a Portion of Lot 1, Block 1  
Las Flores Subdivision Unit 4  
City of El Paso, El Paso County, Texas  
WO: 072903-12A  
Date: March 9, 2004

## PROPERTY DESCRIPTION (Parcel 2)

Description of a 1.4011 acre parcel of land being a Portion of Lot1, Block 1, Las Flores Subdivision, Unit 4, City of El Paso, El Paso County, Texas, being more particularly described by metes and bounds as follows:

Beginning at a Texas Department of Transportation brass cap monument located at the Easterly Right of Way line of North Loop Drive said point also being the Southwesterly corner of Lot1, Block 2, Las Palmeras Addition common to the Northwest corner of Lot 2, Block 1, Las Flores Subdivision, Unit 4;


Thence South  $35^{\circ} 27' 07''$  East a distance of 479.31 feet along said Easterly Right of Way line to a set  $5/8''$  diameter rebar with plastic cap stamped Roe Engineering L.S. 2449 being the "True Point of Beginning";

Thence, leaving said Easterly Right of Way line, North  $54^{\circ} 32' 53''$  East a distance of 207.19 feet, to a  $5/8''$  diameter rebar with plastic cap stamped Roe Engineering L.S. 2449;

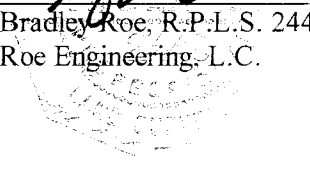
Thence, South  $35^{\circ} 27' 07''$  East a distance of 385.91 feet to a set bridge nail in pavement;

Thence North  $84^{\circ} 03' 00''$  West a distance of 276.21 feet to a  $5/8''$  diameter rebar with plastic cap stamped Roe Engineering L.S. 2449 on the Easterly Right of Way line of North Loop Drive;

Thence, along said Easterly Right Of Way line, North  $35^{\circ} 27' 07''$  West a distance of 203.24 feet back to the "True Point of Beginning" of said parcel and containing in all 61,031.17 square feet or 1.4011 acres of land more or less.



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Roe Engineering, L.C.



Thence, leaving said Northerly Property line, North 35° 27' 07" West a distance of 385.91 feet to a 5/8" diameter rebar with plastic cap stamped Roe Engineering L.C., Tx. 2449 and a point for corner;

Thence, South 54° 32' 53" West a distance of 207.19 feet to a 5/8" diameter rebar with plastic cap stamped Roe Engineering L.C., Tx. 2449 said point being on the Easterly Right-Of-Way line of North Loop Drive;

Thence, along said Easterly Right-Of-Way line, North 35° 27' 07" West a distance of 479.31 feet back to the "True Point of Beginning" of said parcel and containing in all 641,864.86 square feet or 14.7352 acres, Save and Except 09025 acres as described by the following Metes and Bounds:

Save and Except Wendy's Parce  
**PROPERTY DESCRIPTION**  
(Wendy's Hamburger Restaurant Parcel)

Description of a 0.9025 acre parcel of land being a portion of Lot 1, Block 1, Las Flores Subdivision, Unit 4, City of El Paso, El Paso County, Texas, being more particularly described by metes and bounds as follows:

Beginning at a Texas Department of Transportation brass cap monument located at the Easterly Right-Of-Way line of North Loop Drive, said point also being the Southwesterly corner of Lot 1, Block 2, Las Palmeras Addition common to the Northwest corner of Lot 2, Block 1, Las Flores Subdivision Unit 4;

Thence, along said Easterly Right-Of-Way line, South 35° 27' 07" East a distance of 629.31 feet; Thence, leaving said Easterly Right-Of-Way line, South 84° 03' 00" East a distance of 594.35 feet to a 5/8" diameter rebar with plastic cap stamped KECO and the "True Point of Beginning";

Thence North 49° 42' 00" West a distance of 179.27 feet to a 5/8" diameter rebar with plastic cap stamped Roe Engineering L.C., Tx. 2449;

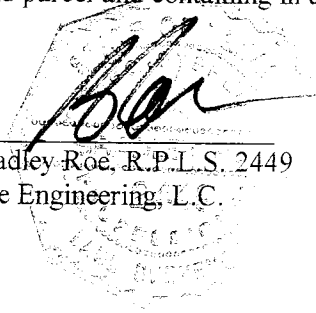
Thence North 40° 18' 00" East a distance of 171.00 feet to a 5/8" diameter rebar with plastic cap stamped KECO;

Thence South 49° 42' 00" East a distance of 208.00 feet to a 5/8" diameter rebar with plastic cap stamped Roe Engineering L.C., Tx. 2449;

Thence South 02° 25' 00" West a distance of 55.75 feet to a 5/8" diameter rebar with plastic cap stamped Roe Engineering L.C., Tx. 2449;

Thence South 40° 18' 00" West a distance of 83.97 feet to a 5/8" diameter rebar with plastic cap stamped KECO;

Thence North 84° 03' 00" West a distance of 76.26 feet back to the "True Point of Beginning" of said parcel and containing in all 39,314.16 square feet or 0.9025 acres of land more or less.



Bradley Roe, R.P.L.S. 2449  
Roe Engineering, L.C.